

TWENTY-FOURTH DAY.

(Friday, February 9, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Henderson
Amsler.	of Marion.
Arnold.	Henderson
Atkinson.	of McLennan.
Avis.	Hendricks.
Baker of Milam.	Houston.
Baker of Orange.	Howeth.
Baldwin.	Hughes.
Barker.	Hull.
Barrett.	Irwin.
Beasley.	Jennings.
Bell.	Johnson.
Bird.	Jones.
Blount.	Kemble.
Bobbitt.	Lackey.
Bonham.	Laird.
Brady.	Lamb.
Bryant.	Lane.
Burmeister.	LeStourgeon.
Cable.	Lewis.
Carpenter	Loftin.
of Dallas.	Looney.
Carpenter	McBride.
of Matagorda.	McDaniel.
Carson.	McDonald.
Carter of Coke.	McFarlane.
Carter of Hays.	McNatt.
Chitwood.	Martin.
Coffee.	Mathes.
Collins.	Maxwell.
Covey.	Melson.
Cowen.	Merriman.
Crawford.	Merritt.
Culp.	Miller.
Davenport.	Montgomery.
Davis.	Moore.
DeBerry.	Morgan
Dielmann.	of Liberty.
Dodd.	Morgan
Downs.	of Robertson.
Driggers.	Patman.
Duffey.	Patterson.
Dunlap.	Perdue.
Dunn.	Pinkston.
Durham.	Pool.
Faubion.	Pope.
Fields.	Potter.
Frnka.	Price.
Fugler.	Purl.
Gipson.	Quaid.
Green.	Quinn.
Greer.	Rice.
Hardin of Erath.	Robinson.
Hardin	Rountree.
of Kaufman.	Russell
Harrington.	of Callahan.
Harris.	Russell of Trinity.

Sackett.	Sweet.
Sanford.	Teer.
Satterwhite.	Thompson.
Shearer.	Thrasher.
Simpson.	Turner.
Smith.	Vaughan.
Sparkman.	Wallace.
Stevens.	Wells.
Stewart	Westbrook.
of Edwards.	Wessels.
Stewart of Jasper.	Williamson.
Stewart of Reeves.	Wilmans.
Storey.	Young.
Stroder.	

Absent.

Edwards.

Lusk.

Absent—Excused.

Dinkle.

Rowland.

Finlay.

Shires.

Jacks.

Stell.

LeMaster.

Stiernberg.

McKean.

Strickland.

Pate.

Wilson.

Rogers.

Winfree.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Finlay, for today and tomorrow, on motion of Mr. Barker.

Mr. Pate, for today and tomorrow, on motion of Mr. Maxwell.

Mr. Bobbitt, for today and tomorrow, on motion of Mr. Cowen.

Mr. Winfree, for today, on motion of Mr. Potter.

Mr. Hull, for today, on motion of Mr. Brady.

Mr. Jacks, for today and tomorrow, on motion of Mr. Irwin.

Mr. Wilson, for today, on motion of Mr. Patterson.

The following members were granted leaves of absence on account of sickness:

Mr. Stiernberg, for today, on motion of Mr. McFarlane.

Mr. Stell, for today, on motion of Mr. Wessels.

Mr. LeMaster, for today, on motion of Mr. Patterson.

Mr. Rowland, for this week and indefinitely, on motion of Mr. Patterson.

Mr. Shires, for today, on motion of Mr. McDaniel.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 130, to the Committee on Judicial Districts.

BILL RECOMMITTED.

On motion of Mr. LeSturgeon, House bill No. 135 was recommitted to the Committee on Revenue and Taxation.

MOTION TO PRINT HOUSE BILL NO. 231.

Mr. Carpenter of Matagorda moved that House bill No. 231, reported adversely with a minority favorable report, be printed.

The motion was lost.

INVITING DR. G. A. WORKS TO ADDRESS THE HOUSE.

Mr. Chitwood offered the following resolution:

Whereas, The Legislature of Texas has before it no more important subject than that of "Rural Education;" and

Whereas, There is now pending before the Legislature a bill to make provision for an educational survey in Texas; and

Whereas, Dr. G. A. Works, Professor of Rural Education in Cornell University and Director of the Educational Survey, recently made in New York State, is now in Austin; therefore, be it

Resolved, That Dr. Works be invited to address the House of Representatives at 11:30 o'clock today.

Signed—Carter of Coke, Edwards, Purl, Merritt, McDaniel, Laird, Carpenter of Matagorda, Sackett, Chitwood, Russell of Callahan, Jennings, Maxwell, Stewart of Reeves, Young, Dielmann, Thrasher, Carson, LeSturgeon.

The resolution was read second time, and was adopted.

PROVIDING FOR DISPLAY OF UNITED STATES FLAG.

Mr. Mathes offered the following resolution:

H. C. R. No. 14, Providing for display of United States flag on Mothers' Day.

Whereas, The service rendered to the United States by our American homes

is the supreme source of our country's strength and inspiration; and

Whereas, We honor ourselves, our homes, State and nation when we do anything to give emphasis to the home as the fountainhead of the State; and

Whereas, The American mother has done, and is doing, so much for the home, the moral and industrial uplift and religion, hence so much for good government, patriotism, humanity and religion; therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the Governor of this State is hereby authorized and requested to issue a proclamation calling upon our State officials to display the United States flag on all State and school buildings, and the people of the State to display the flag at their homes, lodges, churches, places of business and other suitable places, on the second Sunday in May, known as Mothers' Day, founded by Anna Jarvis of Philadelphia, Pa., as a public expression of love and reverence for the homes of our State, especially for their mothers and other patriotic women therein, and that the Governor urge the celebration of Mothers' Day in said proclamation in such a way as will deepen home ties and inspire better homes and closer union between the commonwealth, its homes, and their sons and daughters.

Signed—Mathes, Hendricks.

The resolution was read second time, and was adopted.

RELATING TO IMMIGRATION LAW.

Mr. Carpenter of Dallas offered the following resolution:

H. C. R. No. 15, Relating to immigration law.

Whereas, The regulating of immigration to the United States is one of the vexing questions which confront the Congress of the United States; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we call upon the Congress of the United States to pass an immigration law which will be substantially as follows:

First. To allow the various States of the United States, through the Governor of the State, or such machinery as the State Legislature may provide, to make up a quota of the kind and character and number of immigrants which any given State is willing and ready to receive for any given year

or period of years, designating the country from which said immigrants are to come, and when said quota is so made by the State government the same shall be forwarded to the Bureau of Immigration at Washington, D. C., and added to the quota from the various other States will constitute the number of immigrants which may be received into the United States in any given period.

Second. It being provided further that when immigrants under this law shall come to the United States that they will be taken off of the ships at the port nearest to the State to which they are consigned as their destination, and that they remain in the custody of the immigration officials until they reach the State to which they have been assigned, and that they be required to remain in such State for a period to be determined by the Legislature or the Governor at the time of making up the quota of immigrants desired by such State, or until they obtain their citizenship. In other words, such immigrants to be under the jurisdiction of the State to which they are consigned until they become citizens of the United States; and

Whereas, It is necessary for the preservation of a homogeneous race that such steps as are above indicated, shall be taken at an early date; now, therefore, be it

Resolved, That a copy of this resolution be sent to each member of the House of Representatives and each United States Senator with the request that they pass a law as indicated above.

On motion of Mr. Barrett, the resolution was referred to the Committee on Federal Relations.

HOUSE BILL NO. 18 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 18, A bill to be entitled "An Act to amend Chapter 2 of Title 98, Revised Statutes of Texas, 1911, by adding thereto Article 6057a providing that in addition to other methods provided in said chapter for the removal of officers they may be removed by quo warranto proceeding brought by the Attorney General upon direction of the Governor, making the provisions of said chapter applicable to proceedings here-

under, except where in conflict; providing that the district judge may temporarily suspend an officer against whom the petition is filed and appoint a person to discharge the duties of the office who shall not be required to give bond as provided in Article 6049, providing that the suspended officers shall receive the salary, compensation or fees until final judgment removing him, and that such salary, fees or compensation collected by the temporary officer shall be paid to the suspended officer, and that during appeals from a judgment removing an officer, such salary, fees and compensation shall be received by him unless he gives a supersedeas bond therefor, and that appeal shall not suspend the order temporarily removing such officer; providing that the temporary officer shall receive the same salary or compensation provided by the law to be paid by the State out of an appropriation to the Governor for the enforcement of the law; fixing jurisdiction and venue for such suits, and declaring an emergency."

The bill having heretofore been read second time, with (committee) amendment by Mr. Patterson and amendment to the (committee) amendment by Mr. Jones, pending.

Mr. Wallace offered the following substitute for the amendment by Mr. Jones:

Amend (committee) amendment No. 1 of the printed bill, page 3, line 31, by striking out the following: "Supreme Judicial District" and insert in lieu thereof the following: "The judicial district or any adjoining judicial district."

The substitute was adopted.

The amendment, as substituted, was then adopted.

Mr. Wallace offered the following amendment to the (committee) amendment:

Amend (committee) amendment No. 1 of the printed bill, page 4, line 23, by striking out the following: "The Supreme Judicial District," and insert in lieu thereof the following: "The judicial district or any adjoining judicial district."

The amendment was adopted.

Mr. Jones offered the following amendment to the (committee) amendment:

Amend the (committee) amendment by adding after Section 1, a new section to be known as Section 1a: "All officers appointed under the provisions of this act shall, before entering upon

the discharge of their duties, execute a good and sufficient bond payable and conditioned as required by law on official bonds."

The amendment was adopted.

Mr. Frnka offered the following amendment to the (committee) amendment:

Amend (committee) amendment No. 1 to House bill No. 18, page 4, line 2, by adding after the word "office" the following: "who shall possess the same qualifications as required of the officer removed."

The amendment was adopted.

Question recurring on the (committee) amendment as amended, it was then adopted.

Mr. Hardin of Kaufman offered the following amendment to the bill:

Amend House bill No. 18 by striking out the enacting clause.

Mr. Wallace moved to table the amendment by Mr. Hardin of Kaufman.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—98.

Abney.	Frnka.
Atkinson.	Fugler.
Avis.	Gipson.
Baker of Milam.	Green.
Baker of Orange.	Greer.
Baldwin.	Hardin of Erath.
Barker.	Harrington.
Beasley.	Harris.
Bell.	Henderson
Bird.	of Marion.
Blount.	Henderson
Bobbitt.	of McLennan.
Bonham.	Hendricks.
Bryant.	Hull.
Burmeister.	Irwin.
Cable.	Jennings.
Carpenter	Jones.
of Dallas.	Kemble.
Carpenter	Lackey.
of Matagorda.	Laird.
Carter of Hays.	Lamb.
Chitwood.	Lane.
Coffee.	LeStourgeon.
Crawford.	Lewis.
Culp.	Looney.
Davenport.	McBride.
Davis.	McDonald.
DeBerry.	McNatt.
Dodd.	Martin.
Downs.	Maxwell.
Driggers.	Melson.
Duffey.	Miller.
Dunlap.	Montgomery.
Dunn.	Moore.
Durham.	Morgan
Fields.	of Robertson.

Patman.	Sparkman.
Patterson.	Stewart
Perdue.	of Edwards.
Pinkston.	Stewart of Jasper.
Potter.	Stewart of Reeves.
Price.	Stroder.
Quaid.	Sweet.
Quinn.	Teer.
Robinson.	Thompson.
Rountree.	Thrasher.
Russell	Vaughan.
of Callahan.	Wallace.
Sackett.	Wells.
Sanford.	Westbrook.
Satterwhite.	Williamson.
Simpson.	Wilmans.
Smith.	Young.

Nays—21.

Amsler.	Loftin.
Arnold.	McDaniel.
Brady.	Merriman.
Carson.	Merritt.
Collins.	Morgan
Cowen.	of Liberty.
Dielmann.	Purl.
Hardin	Rice.
of Kaufman.	Russell of Trinity.
Houston.	Storey.
Hughes.	Turner.
Johnson.	

Present—Not Voting.

McFarlane.

Absent.

Barrett.	Lusk.
Covey.	Mathes.
Edwards.	Pool.
Faubion.	Pope.
Finlay.	Shearer.
Howeth.	Stevens.
LeMaster.	Wessels.

Absent—Excused.

Dinkle.	Shires.
Jacks.	Stell.
McKean.	Strickland.
Pate.	Wilson.
Rogers.	Winfree.
Rowland.	

Paired.

Mr. Carter of Coke (present), who would vote yea, with Mr. Stiernberg (absent), who would vote nay.

Mr. Henderson of Marion moved the previous question on the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 18 was then passed to engrossment by the following vote:

Yeas—99.	
Mr. Speaker.	Lane.
Arnold.	LeSturgeon.
Atkinson.	Lewis.
Avis.	McBride.
Baker of Milam.	McDonald.
Baldwin.	McNatt.
Barker.	Martin.
Barrett.	Mathes.
Beasley.	Maxwell.
Bell.	Melson.
Blount.	Merritt.
Bonham.	Miller.
Bryant.	Moore.
Burmeister.	Morgan
Cable.	of Robertson.
Carpenter	Patman.
of Dallas.	Patterson.
Carpenter	Perdue.
of Matagorda.	Pinkston.
Carter of Hays.	Pope.
Chitwood.	Potter.
Coffee.	Quaid.
Cowen.	Quinn.
Crawford.	Rice.
Culp.	Robinson.
Davenport.	Rountree.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Russell of Trinity.
Downs.	Sackett.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shearer.
Dunn.	Simpson.
Durham.	Smith.
Fields.	Sparkman.
Frnka.	Stevens.
Fugler.	Stewart
Gipson.	of Edwards.
Greer.	Stewart of Jasper.
Harrington.	Stewart of Reeves.
Harris.	Stroder.
Henderson	Sweet.
of Marion.	Teer.
Hendricks.	Thompson.
Howeth.	Thrasher.
Irwin.	Turner.
Jennings.	Wallace.
Kemble.	Wells.
Lackey.	Westbrook.
Laird.	Wilmans.
Lamb.	Young.

Nays—21.

Amsler.	Houston.
Baker of Orange.	Hughes.
Brady.	Johnson.
Carson.	Jones.
Collins.	Loftin.
Dielmann.	Looney.
Hardin	McDaniel.
of Kaufman.	Merriman.
Henderson	Morgan
of McLennan.	of Liberty.

Pool. Purl.	Storey. Wessels.
Present—Not Voting.	
Carter of Coke.	McFarlane.
Absent.	
Bird.	LeMaster.
Bobbitt.	Lusk.
Covey.	Montgomery.
Edwards.	Price.
Faubion.	Vaughan.
Hardin of Erath.	Williamson.
Hull.	
Absent—Excused.	
Dinkle.	Rowland.
Finlay.	Shires.
Jacks.	Stell.
McKean.	Strickland.
Pate.	Wilson.
Rogers.	Winfree.

Paired.

Mr. Carter of Coke (present), who would vote "yea," with Mr. Stiernberg (asent), who would vote "nay."

Mr. Green (present), who would vote "nay," with Mr. Abney (absent), who would vote "yea."

Mr. Burmeister moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion ot table prevailed.

HOUSE BILL NO. 168 WITH SENATE AMENDMENTS.

Mr. Pope called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 168, A bill to be entitled "An Act amending Section 23 of an act passed at the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a permanent text book commission for the State of Texas, to be styled The Texas State Text Book Commission; defining its membership and appointment,' etc., being Senate bill No. 16, Chapter 44, of said Acts of the First Called Session of the Thirty-fifth Legislature, and to repeal all laws in conflict herewith, and declaring an emergency."

The Speaker then laid the bill before the House and the Senate amendments were read.

Mr. Pope moved that the House do not concur in the Senate amendments,

and that a conference committee be requested to adjust differences between the two houses on the bill.

Mr. Bell moved as a substitute that the House concur in the Senate amendments.

Mr. Pope moved to table the motion to concur.

Question—Shall the motion to table prevail?

ADDRESS BY DR. G. A. WORKS.

In accordance with a resolution heretofore adopted, providing for address by Dr. G. A. Works, the Speaker appointed a committee to escort Hon. G. A. Works to the Speaker's stand.

The committee having performed their duty, Speaker Seagler introduced Hon. S. M. Marrs, State Superintendent of Public Instruction, who in turn introduced Hon. G. A. Works.

Hon. G. A. Works then addressed the House.

RECESS.

On motion of Mr. Lackey, the House at 12 o'clock m., took recess until 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by Speaker Seagler.

EMPLOYEE OF THE HOUSE.

The Speaker announced the following appointment as stenographer:

Miss Gussie Cottingham to take the place of Miss Olga Sonberg, resigned.

This appointment is to be dated February 7, 1923.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 140, A bill to be entitled "An Act to make an emergency appropriation to put a new roof on, repair, and paint the Administration Building, and to put a new roof on, repair and

paint the Household Arts Building of the College of Industrial Arts, and declaring an emergency."

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

HOUSE BILL NO. 168 WITH SENATE AMENDMENTS.

The House resumed consideration of pending business, same being House bill No. 168 with Senate amendments, with motion of Mr. Pope that the House do not concur in the Senate amendments, and request a free conference committee to adjust the differences between the two houses on the bill, and motion by Mr. Bell that the House do concur in the Senate amendments, and motion by Mr. Pope to table the motion to concur, pending.

Mr. Pope withdrew the motion to table.

Mr. Cable moved the previous question on the pending motions, and the main question was ordered.

Question first recurring on the motion to concur, yeas and nays were demanded.

The motion to concur was lost by the following vote:

Yeas—33.

Baldwin.	Mathes.
Bell.	Maxwell.
Blount.	Moore.
Brady.	Morgan
Carpenter	of Robertson.
of Matagorda.	Patterson.
Chitwood.	Price.
Coffee.	Purl.
Covey.	Quaid.
Dunlap.	Rice.
Gipson.	Rountree.
Hardin of Erath.	Satterwhite.
Harrington.	Smith.
Harris.	Stewart of Reeves.
Hull.	Sweet.
Lamb.	Wallace.
McNatt.	Wilmans.
Martin.	

Nays—83.

Abney.	Bobbitt.
Amsler.	Bryant.
Arnold.	Burmeister.
Atkinson.	Cable.
Baker of Milam.	Carpenter
Baker of Orange.	of Dallas
Barker.	Carson.
Barrett.	Carter of Coke.
Beasley.	Carter of Hays.
Bird.	Collins.

Cowen.	Miller.
Crawford.	Montgomery.
Davenport.	Morgan
Davis.	of Liberty.
DeBerry.	Patman.
Dodd.	Perdue.
Driggers.	Pinkston.
Duffey.	Pool.
Dunn.	Pope.
Fields.	Potter.
Frnka.	Quinn.
Green.	Robinson.
Greer.	Russell
Hardin	of Callahan.
of Kaufman.	Russell of Trinity.
Henderson	Sackett.
of Marion.	Sanford.
Hendricks.	Shearer.
Howeth.	Simpson.
Irwin.	Sparkman.
Jennings.	Stevens.
Kemble.	Stewart
Lackey.	of Edwards.
Laird.	Stewart of Jasper.
Lane.	Storey.
LeStourgeon.	Stroder.
Loftin.	Teer.
Looney.	Thompson.
McBride.	Thrasher.
McDaniel.	Turner.
McDonald.	Wells.
McFarlane.	Westbrook.
Melson.	Wessels.
Merritt.	Young.

Absent.

Avis.	Houston.
Bonham.	Hughes.
Culp.	Johnson.
Dielmann.	Jones.
Downs.	Lewis.
Durham.	Lusk.
Faubion.	Merriman.
Finlay.	Vaughan.
Fugler.	Williamson.
Henderson	
of McLennan.	

Absent—Excused.

Dinkle.	Rowland.
Edwards.	Shires.
Jacks.	Stell.
LeMaster.	Stiernberg.
McKean.	Strickland.
Pate.	Wilson.
Rogers.	Winfree.

Question then recurring on the motion by Mr. Pope, that the House do not concur and that a free conference committee be requested, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—87.

Abney.	Laird.
Amsler.	Lane.
Arnold.	LeStourgeon.
Atkinson.	Loftin.
Baker of Milam.	Looney.
Baker of Orange.	McBride.
Barker.	McDaniel.
Barrett.	McDonald.
Beasley.	McFarlane.
Bird.	Melson.
Bobbitt.	Merritt.
Bryant.	Miller.
Burmeister.	Montgomery.
Cable.	Morgan
Carpenter	of Liberty.
of Dallas.	Perdue.
Carson.	Pinkston.
Carter of Coke.	Pool.
Carter of Hays.	Pope.
Coffee.	Potter.
Collins.	Quinn.
Cowen.	Rice.
Crawford.	Robinson.
Davenport.	Russell
Davis.	of Callahan.
DeBerry.	Russell of Trinity.
Dodd.	Sackett.
Driggers.	Sanford.
Duffey.	Shearer.
Dunlap.	Simpson.
Dunn.	Sparkman.
Durham.	Stevens.
Fields.	Stewart
Frnka.	of Edwards.
Green.	Stewart of Jasper.
Greer.	Storey.
Hardin	Stroder.
of Kaufman.	Teer.
Henderson	Thompson.
of Marion.	Thrasher.
Hendricks.	Turner.
Howeth.	Wells.
Hull.	Westbrook.
Irwin.	Wessels.
Jennings.	Wilmons.
Kemble.	Young.
Lackey.	

Nays—27.

Baldwin.	Mathes.
Bell.	Maxwell.
Blount.	Moore.
Brady.	Morgan
Carpenter	of Robertson.
of Matagorda.	Patterson.
Chitwood.	Price.
Covey.	Purl.
Gipson.	Quaid.
Hardin of Erath.	Rountree.
Harrington.	Satterwhite.
Harris.	Smith.
Lamb.	Stewart of Reeves.
McNatt.	Sweet.
Martin.	

Absent.

Avis.	Hughes.
Bonham.	Johnson.
Culp.	Jones.
Dielmann.	Lewis.
Downs.	Lusk.
Faubion.	Merriman.
Fugler.	Patman.
Henderson	Vaughan.
of McLennan.	Wallace.
Houston.	Williamson.

Absent—Excused.

Dinkle.	Rowland.
Edwards.	Shires.
Finlay.	Stell.
Jacks.	Stiernberg.
LeMaster.	Strickland.
McKean.	Wilson.
Pate.	Winfree.
Rogers.	

Reason For Vote.

I vote not to concur in Senate amendments because I believe the caption of the bill is insufficient.

HENDRICKS.

In accordance with the above action the Speaker announced the appointment of the following free conference committee on the part of the House, on House bill No. 168: Messrs. Pope, Bell, Loftin, Greer and Green.

HOUSE BILL NO. 347 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 347, A bill to be entitled "An Act to amend Article 3086 and 3095 of Chapter 10, Title 49 of the Revised Statutes of Texas, relating to primary elections; to prescribe the form of the ballot to be used at such elections, the manner of counting the votes and declaring the result of such election, and to repeal Articles 3091 and 3092 of said title and chapter."

The bill was read second time.

Mr. Greer offered the following amendment to the bill:

Amend House bill No. 347 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That Article 3086, of Chapter 10, Title 49, relating to primary elections, be, and the same is hereby amended so as to read as follows:

Article 3086. The fourth Saturday in July in the year 1924, and every two

years thereafter, shall be the legal primary election day, and primary elections to nominate candidates for general elections by parties shall be held on no other day, except when specially authorized. Nominations of candidates to be voted for at any special election shall be made at a primary election at such time as the party executive committee shall determine, but no such committee shall ever have the power to make such nominations, except where candidate dies on eve of general election, where such primary would be a physical impossibility; provided, that all precincts in the same county and all counties in the same district, shall vote on the same day. Nominations of party candidates for offices to be filled in a city or town shall be made not less than ten days prior to the city or town election at which they are to be chosen, in such manner as the party executive committee for such city or town shall direct, and all laws prescribing the method of conducting county primary elections shall apply to them.

Sec. 2. That Article 3095, of said chapter and title, be, and the same is hereby amended so as to read:

Article 3095. The vote at all general primaries shall be by official ballot, which shall have printed at the head of same the name of the political party, and under such head listed the names of all offices to be filled and under each office so listed the names of all candidates of such party running for the same office, as determined by the executive committee of each party, and provided that nothing herein enumerated shall be so construed as to prevent any minority within the State of Texas (so ascertained by the last preceding general election) from holding a convention and nominating its candidates for the general election, and this to apply to a minority party as applied to any county or district in the State, as well as to the State as a whole, but the majority party in any county, district or State, as a whole, shall be compelled to hold a nominating primary and the fact of their having won the majority of the offices at the last preceding general election of said county, district or State shall cause them to be considered the majority party. The official ballot shall be printed in black ink upon white paper in the form of what is termed compound or composite ballot, which is a ballot designed to give same result in one election as is usually obtained

in two elections or in a double primary. Beneath the name of each candidate thereof for State and district offices, there shall be printed the county of his residence. The official ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct, at least one and one-half times as many of such official ballots as there are poll taxes paid for such precinct, as shown by the tax collector's list. Where two or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the same district, county or justice precinct, such candidates shall be voted for and nominations made separately, and all nominations shall be separately designated on the official ballots by numbering the same, "1," "2," "3," etc., printing the abbreviation "No.," and the designation number after the title of the office for which such nominations are to be made. Each candidate for such nominations shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the number of the nomination for which he desires to become a candidate, and the names of all candidates so requesting shall have their names printed beneath the title of the office and the number so designated. On the primary ballot, each voter shall vote for only one candidate for each such nomination. The ticket shall be divided into two sections by a perpendicular line running from top to bottom of the ticket. To the left of this line shall be arranged the first primary ballot as now in use by subtending the list of candidates below each office to be filled and the voter making his choice for each office by marking out the name of each candidate except the one of his first choice. This vote shall be counted and tabulated in accordance with the law now in force to ascertain which two candidates will enter the second primary when more than two are running. The right hand column shall be headed second primary and shall be wide enough to allow for grouping in couplets all the names of all the candidates as nearly as possible on a horizontal level with the primary ballot. This shall be construed to mean that each candidate shall have his name listed in couplet form with that of each of his opponents in the second primary column on the right hand side of the ballot and

under the title of the office for which he is a candidate. Couplets shall be placed and parenthesis or brackets placed in a way so as to prevent confusion between couplets. The voter shall mark one name in each couplet, leaving the name preferred unmarked, but should the voter omit to mark any of the couplets or should he fail to mark any couplets under the second primary heading, it shall not forfeit the ballot, provided he votes for his choice for any office in the first primary column.

Sec. 3. After the vote has been counted in the first primary column, which shall be done by each election board as at present constituted by law, each chairman of an election board shall take the ballots, lock them securely as now provided and carry them to the courthouse of his county or to the county seat where his returns are made and be receipted for same by the county clerk. Where such officers cannot carry in returns he shall designate some other member of the board to do this, and only sickness of himself or some member of his immediate family or death of any of same shall be a legal excuse for failure. Any failure or willful negligence on the part of anyone responsible to send in the returns of same shall be deemed a misdemeanor and he shall be fined in any sum not less than ten dollars and not more than one hundred dollars.

Sec. 4. The count of the second primary ballot shall begin as soon as all the boxes are in and not later than the following Wednesday, 10 o'clock a. m., and only those couplets shall be counted that contain the names of the two leading men in the race for each office contested where no majority vote of all the votes for such office was received by one candidate. The managers of each election box shall constitute a board to count the votes of the second primary and the county chairman of each party in a county shall be chairman of this board, and they shall group the boxes according to each commissioners' precinct. The election officers of each commissioners' precinct shall constitute a counting board and shall proceed to count the ballots of their precinct, electing one of their number manager in each case. In case of a tie vote the county chairman shall decide whom the manager shall be, provided that after the couplets for each office are counted or the couplets containing the names of

the two candidates in the lead in the first primary for each office, the leading candidates in each couplet counted shall be declared the nominee of the party. It is hereby provided that the candidates running for a State or district office shall have their vote certified to the State or district chairman within three days from time of finishing the count of the second primary from which a compilation of the total vote for each candidate shall be ascertained by the executive committee of said party, and this count must be made within fifteen days from the time of holding the general primary and the State or district chairman shall inform each county chairman of the names of the two candidates leading in the race for each office under his supervision; whereupon it will become the duty of the county chairman to assemble enough of the precinct chairmen of his county to count the couplets which are vitalized by the certification of the State or district chairman. He shall report the result of the count of each of such couplets back to the State or district chairman, who will then count the returns and declare the final result as to State and district counties. Any State or district chairman violating any of the provisions of this law shall be fined upon conviction not less than one hundred dollars and not more than one thousand dollars by any court of competent jurisdiction in this State.

Sec. 5. Articles Nos. 3091 and 3092 of said title and chapter, and all other laws in conflict herewith are hereby repealed.

Sec. 6. The fact that there is no law in this State whereby the will of the majority of the voters can be ascertained at any single primary election and the further fact that nominations by a plurality vote often results in the nomination of the candidate most objectionable to a majority of the voters creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and this law shall take effect and be in force from and after its passage, and it is so enacted.

(Mr. Coffee in the chair.)

Mr. Miller moved the previous question on the pending amendment, and the main question was ordered.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—13.

Baker of Orange.	McFarlane.
Beasley.	Patterson.
Carson.	Satterwhite.
Carter of Coke.	Simpson.
Greer.	Stewart
Laird.	of Edwards.
McDonald.	Stroder.

Nays—88.

Abney.	Irwin.
Amsler.	Jennings.
Arnold.	Lackey.
Atkinson.	Lane.
Baker of Milam.	Loftin.
Baldwin.	Looney.
Barker.	McBride.
Barrett.	McDaniel.
Bell.	McNatt.
Bird.	Martin.
Blount.	Mathes.
Bonham.	Maxwell.
Brady.	Melson.
Bryant.	Merriman.
Cable.	Merritt.
Carpenter	Miller.
of Dallas.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Chitwood.	Patman.
Coffee.	Perdue.
Collins.	Pinkston.
Covey.	Potter.
Cowen.	Price.
Crawford.	Purl.
Davis.	Quinn.
DeBerry.	Rice.
Dodd.	Robinson.
Downs.	Rountree.
Driggers.	Russell of Trinity.
Duffey.	Sackett.
Dunn.	Sanford.
Durham.	Smith.
Edwards.	Stevens.
Faubion.	Stewart of Jasper.
Fields.	Stewart of Reeves.
Frnka.	Storey.
Fugler.	Sweet.
Green.	Thompson.
Hardin of Erath.	Turner.
Harrington.	Wallace.
Harris.	Wells.
Henderson	Westbrook.
of Marion.	Wessels.
Hendricks.	Wilmans.
Howeth.	Young.

Present—Not Voting.

Bobbitt.	Hardin
Burmeister.	of Kaufman.
Culp.	Montgomery.
Dunlap.	Pope.
Lamb.	Shearer.

Absent.

Avis.	Lewis.
Carter of Hays.	Lusk.
Davenport.	Morgan
Dielmann.	of Robertson.
Gipson.	Pool.
Henderson	Quaid.
of McLennan.	Russell
Houston.	of Callahan.
Hughes.	Sparkman.
Hull.	Teer.
Johnson.	Thrasher.
Jones.	Vaughan.
Kemble.	Williamson.
LeSturgeon.	

Absent—Excused.

Dinkle.	Rowland.
Finlay.	Shires.
Jacks.	Stell.
LeMaster.	Stiernberg.
McKean.	Strickland.
Pate.	Wilson.
Rogers.	Winfree.

Mr. Hendricks offered the following amendment to the bill:

Amend House bill No. 347 by striking out all of line 25, page 2, after the period following the word "square," and all of lines 26, 27, 28, 29, 30, 31, and all of line 32 down to and including the word "him." Insert in lieu thereof the following: "The voter must write in such square preceding the names of the candidates the number corresponding to the voter's choice of said candidates; that is, the figure '1' for his first choice, the figure '2' for his second choice, and so on, for each candidate."

Question—Shall the amendment be adopted?

BILL RE-REFERRED.

On motion of Mr. Brady, House bill No. 430 was withdrawn from the Judiciary Committee and referred to the Committee on Insurance.

(Speaker in the chair.)

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 307, "An Act creating the Brackett Independent School District in Kinney county, Texas; defining its boundaries, including the present Brackett Independent School District; providing for a board of trustees in

said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bonded indebtedness by the district as herein created; providing for the appointment of an assessor and collector and board of equalization for said district, and declaring an emergency."

H. B. No. 255, "An Act creating and incorporating the Sligo Independent School District, in Yoakum county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing that said Sligo Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district, including all or part of the territory embraced within the boundaries of the independent district as created by this act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions of this act, and declaring an emergency."

H. B. No. 306, "An Act to authorize, enable and permit the territory situated within the bounds of the Eagle Pass Independent School District in the county of Maverick and State of Texas,

and other lands and territory adjacent thereto in Maverick county, to incorporate as an independent district for free school purposes only, to be hereafter known as the Eagle Pass Independent School District, with all the powers, rights, privileges and duties of independent school districts formed by incorporation of territory for free school purposes only; and to provide for an election on the question of divesting the old Eagle Pass Independent School District of control of its public school and title to school properties and vesting the same in the new Eagle Pass Independent School District and its board of trustees; providing for a board of school trustees for the control and management of said independent school district; providing that all funds held for public school purposes and to be used in the territory included in the new district shall be turned over to the trustees of the new district as herein provided may be created; provided that any outstanding bonds or indebtedness of the old district may, upon an election being held in the new district, be paid by a tax duly levied in the new district; provided other incidental provisions, and declaring an emergency."

H. B. No. 52, "An Act relating to the jurisdiction of the county court of Reagan county, conferring upon said court civil and criminal jurisdiction and increasing the civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change, and declaring an emergency."

H. B. No. 146, "An Act to amend Article 6319, Sections 1, 2, 3, 4 and 5, Chapter 3, Title 107, General Laws of Texas, Acts of the Thirty-sixth Legislature, Fourth Called Session, 1920, substituting said sections and adding new sections; creating pilot boards in navigation districts containing cities of 100,000 population or more, and owning, operating or controlling docks, wharves or other facilities for utilizing navigable streams therein; giving exclusive jurisdiction to such navigation districts over pilotage of vessels between the Gulf of Mexico and their respective ports; power of navigation and canal commissions constituting such pilot boards to appoint branch pilots, suspend or dismiss branch pilot or deputies, and to adopt rules and regulations for such; providing for bonds of branch pilots and issuance of commissions to them by the Governor; providing reasonable rates for pilotage; defining duties,

rights and privileges of branch pilots, and the responsibilities of vessels and consignees to them; disqualifying persons for membership on pilot boards who are interested in any business affected by such position; repealing all laws and parts of laws in conflict with this act to the extent of such conflict, and declaring an emergency."

H. C. R. No. 13, Relating to affairs in Mexico.

NOTICE GIVEN.

Mr. Burmeister gave notice that he would tomorrow call up for consideration at that time the motion to reconsider the vote by which House bill No. 383 failed to pass, which motion to reconsider has heretofore been spread on the Journal.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Stiernberg:

H. B. No. 478, A bill to be entitled "An Act creating an independent school district to be known as the Riverdale Independent School District in Goliad county, and to provide for a board of trustees and other officers of such district, to authorize the board of trustees to levy and assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authority of the board of trustees, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Hull:

H. B. No. 479, A bill to be entitled "An Act to amend Article 3867 of the Revised Civil Statutes of Texas, 1911, relating to fees of justices of the peace."

Referred to Judiciary Committee.

By Mr. Bonham:

H. B. No. 480, A bill to be entitled "An Act providing for the cancellation

of school bonds issued by any school district in the State of Texas prior to the sale of such bonds when a majority of the taxpaying voters of the district issuing such bonds so desire."

Referred to Committee on Education.

By Mr. Bonham:

H. B. No. 481, A bill to be entitled "An Act amending Article 7235 of the Revised Civil Statutes of the State of Texas of 1911, as last amended by Section 1, of Chapter 105, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-sixth Legislature, and providing that the commissioners court of Refugio county shall, upon petition of one hundred freeholders, or any subdivision of said county, upon petition of fifty freeholders, order an election to be held in said county, or in such subdivision of said county as may be described in said petition, for the purpose of enabling the freeholders of said county or such subdivision thereof, to determine whether horses, mules, jacks, jennets and cattle, shall be permitted to run at large in such county or subdivision thereof."

Referred to Judiciary Committee.

By Mr. Hull:

H. B. No. 482, A bill to be entitled "An Act to amend Article 3883, of the Revised Civil Statutes of the State of Texas, of 1911, relating to maximum fees of officers in certain counties, providing for maximum fees to be retained by justices of the peace and constables."

Referred to Judiciary Committee.

By Mr. Hull:

H. B. No. 483, A bill to be entitled "An Act to amend Article 3881, of the Revised Civil Statutes of the State of Texas, of 1911, relating to the maximum amount of fees allowed office holders in the counties of this State therein set out, providing that said article shall not apply to justices of the peace and constables except those holding office in cities of from twenty thousand to thirty-seven thousand inhabitants."

Referred to Judiciary Committee.

By Mr. Hughes:

H. B. No. 484, A bill to be entitled "An Act to amend Article 1903 of Chapter 8, Title 37, of the Revised Civil Statutes of the State of Texas, 1911, as amended by Act of 1917, Chapter 176,

relating to pleas of privilege, by amending Article 1903, providing that all pleas of privilege shall be in writing and sworn to and shall state that the party claiming such privilege was not at the institution of such suit, nor at the time of service nor at the time of filing such plea a resident of the county in which such suit was instituted, and shall state the county of his residence at the time of such plea and that none of the exceptions to exclusive venue as provided in Article 1830 or Article 2308 of the Revised Civil Statutes exist, and said plea shall be prima facie proof of defendant's right to change of venue, and that plaintiff shall have ten days after appearance day in which to controvert such pleas and the judge or justice of the peace shall note on such controverting plea a time for hearing same, and a copy thereof bearing such notation served on each defendant or his attorney ten days before the day of hearing, and by adding thereto three articles to be known as Articles 1903a, 1903b, 1903c, providing that either party may be taken, and providing that when any plea of privilege is overruled in the justice court no appeal shall be taken until after the main case is tried on its merits, but thereafter the plea of privilege may be tried before the main case on appeal to the county court, and providing for the transfer of cases when pleas of privilege are sustained; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Hull:

H. B. No. 485, A bill to be entitled "An Act amending Article 1175 of the Code of Criminal Procedure of the State of Texas relating to fees of justices, mayors and recorders."

Referred to Committee on Criminal Jurisprudence.

By Mr. Hardin of Erath et al.:

H. B. No. 486, A bill to be entitled "An Act to amend Chapter 10 of Title 48 of the Revised Civil Statutes of 1911, relating to the powers and duties of the State Board of Education with reference to the purchase of bonds for the account of the State permanent school fund, by adding to said chapter immediately after Article 2740 a new article to be known as Article 2740a and validating the purchase of bonds by the State Board of

Education purchased on deferred payment of the purchase price as of the time of the respective payments on the purchase price of such bonds, and prescribing certain duties of the State Board of Education, the State Treasurer, the State Comptroller of Public Accounts with reference to allowing credits on certain interest coupons attached to said bonds by reason of deferred payment of the purchase price thereof, and limiting the validation of said purchase contract to all bonds purchased on deferred credit since January 1, 1922; providing for adjustment and return of moneys advanced by the State as compensation for accrued interest on said bonds prior to the date of said purchase, and declaring an emergency."

Referred to Committee on Education.

By Mr. Shearer:

H. B. No. 487, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issuance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other States; for the revocation of licenses granted by the State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Arnold:

H. B. No. 488, A bill to be entitled "An Act to amend Section 6 of an act of the Thirty-third Legislature, Regular Session, 1913, creating a more efficient road law for Harris county, Texas, so as to permit county commissioners to give surety bonds, and provide that precinct road supervisors may be furnished by the county with an automobile while in the actual discharge of their official duties in connection with the construction, maintenance and inspection of roads in said county, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Baker of Milam:

H. B. No. 489, A bill to be entitled "An Act requiring the State Insurance Commission to make, establish and promulgate classifications of hazards and rates of premium under the Workmen's Compensation Law of this State and to prescribe standard workmen's compensation policy forms; requiring all companies and associations writing workmen's compensation insurance to use the classifications, rates and policy forms established, promulgated and prescribed by the commission; providing for the use of classifications, rates and forms now on file with and approved by the Commissioner of Insurance until such classifications, rates and forms have been made and prescribed by the commission; requiring the commission to assemble data for use in establishing classifications and rates, and requiring the Commissioner of Insurance to deliver to the commission all data under his control now used in establishing classifications, rates and policy forms; authorizing and empowering the commission to require sworn statements from insurance companies and associations containing certain statistical data, and requiring the commission to prescribe necessary form for such statements; fixing the manner in which the commission shall determine hazards and prescribing the kind and character of rates which shall be fixed, and providing what data shall be taken into consideration by the commission in fixing rates; providing for hearings before the commission and the manner in which the same shall be conducted; requiring the use of uniform policies for workmen's compensation insurance, but allowing any company or association to use any form of endorsement appropriate to its plan of operation provided the same shall not diminish its liability to pay the compensation provided for in the Workmen's Compensation Law; providing that no company or association shall be prohibited from writing workmen's compensation insurance on the mutual, reciprocal, or Lloyd's plan, and that no stock company or other company or association shall be prohibited from sharing profits with policy holders by providing that no dividends to policy holders shall take effect until approved by the commission; fixing the salaries of the members of the commis-

sion hereunder and providing for expenditures to meet expenses hereunder and fixing a maximum amount of such salaries and expenditures; providing for the annual assessment and collection of a tax on premiums for workmen's compensation insurance policies to defray the salaries and expenses of the commission hereunder, and providing that any unexpended balance shall be transferred to the general revenue of the State; empowering the commission to make and enforce reasonable rules and regulations; negating the application hereto of any of the provisions creating the State Insurance Commission; defining the words 'company' and 'association'; repealing Sections 16c and 17, of Part III and part of Section 2 of Part IV, of Chapter 103, of the General Laws of the Regular Session of the Thirty-fifth Legislature, known as the Workmen's Compensation Law, and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or with any provision hereof; providing that if any part of this act be held unconstitutional it shall not effect any other part of this act, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Price:

H. B. No. 490, A bill to be entitled "An Act appropriating to the Permanent Public School Fund whatsoever land that may be recovered to the State finally in the case of the State of Texas against George Findlay, and others, in the Capital Syndicate Land suit, and providing for the survey and sale of same with a reservation of minerals and making an appropriation for a survey of the land, and declaring an emergency."

Referred to Committee on Appropriations.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 151, A bill to be entitled "An Act to amend subdivision 3, of Section 27, of House bill No. 17, passed at the First Called Session of the Thirty-third Legislature, it being also referred

to as part of Article 1313p of the volume known as Complete Texas Statutes of 1920, so as to add a provision that certain building and loan associations chartered by adjacent States, may sell stock and conduct business in certain cities in Texas, without making the cash deposit or bond required in said subdivision 3."

H. C. R. No. 14, Relating to the annual display of the American flag on Mothers' Day.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 140, to the Committee on Appropriations.

Senate bill No. 151, to the Committee on Banks and Banking.

ADJOURNMENT.

Mr. Quinn moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Frnka moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Bonham moved that the House adjourn until 10 o'clock a. m. next Monday.

Question first recurring on the motion of Mr. Bonham, yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—48.

Arnold.	Durham.
Baker of Milam.	Edwards.
Baldwin.	Frnka.
Barker.	Green.
Barrett.	Harris.
Beasley.	Henderson
Bird.	of Marion.
Blount.	Hendricks.
Bobbitt.	Irwin.
Bonham.	Lane.
Bryant.	McDaniel.
Burmeister.	McNatt.
Cable.	Melson.
Carpenter	Merritt.
of Dallas.	Miller.
Carson.	Montgomery.
Chitwood.	Pinkston.
Coffee.	Pool.
Culp.	Pope.
Davis.	Potter.
Dunlap.	Price.

Purl.
Rountree.
Sanford.
Shearer.
Simpson.

Stewart
of Edwards.
Stroder.
Thompson.

Nays—60.

Mr. Speaker.	Looney.
Abney.	McBride.
Atkinson.	McDonald.
Baker of Orange.	McFarlane.
Bell.	Martin.
Brady.	Mathes.
Carpenter	Maxwell.
of Matagorda.	Merriman.
Carter of Coke.	Moore.
Collins.	Morgan
Covey.	of Liberty.
Cowen.	Patterson.
Crawford.	Perdue.
DeBerry.	Quinn.
Dodd.	Rice.
Downs.	Russell of Trinity.
Driggers.	Sackett.
Duffey.	Satterwhite.
Dunn.	Smith.
Faubion.	Stevens.
Fields.	Stewart of Jasper.
Gipson.	Stewart of Reeves.
Greer.	Storey.
Hardin of Erath.	Sweet.
Hardin	Thrasher.
of Kaufman.	Turner.
Harrington.	Wallace.
Howeth.	Wells.
Jennings.	Westbrook.
Laird.	Wilmans.
Lamb.	Young.
Loftin.	

Absent.

Amsler.	LeSturgeon.
Avis.	Lewis.
Carter of Hays.	Lusk.
Davenport.	Morgan
Dielmann.	of Robertson.
Fugler.	Patman.
Henderson	Quaid.
of McLennan.	Robinson.
Houston.	Russell
Hughes.	of Callahan.
Hull.	Sparkman.
Johnson.	Teer.
Jones.	Vaughan.
Kemble.	Wessels.
Lackey.	Williamson.

Absent—Excused.

Dinkle.	Rowland.
Finlay.	Shires.
Jacks.	Stell.
LeMaster.	Stiernberg.
McKean.	Strickland.
Pate.	Wilson.
Rogers.	Winfree.

Question next recurring on the motion
of Mr. Frnka, yeas and nays were de-
manded.

The motion prevailed by the follow-
ing vote:

Yeas—87.

Abney.	Lane.
Amsler.	Loftin.
Arnold.	Looney.
Atkinson.	McBride.
Baker of Milam.	McDaniel.
Baldwin.	McFarlane.
Barker.	McNatt.
Barrett.	Martin.
Bell.	Mathes.
Blount.	Maxwell.
Bobbitt.	Melson.
Bonham.	Merriman.
Brady.	Merritt.
Bryant.	Miller.
Burmeister.	Montgomery.
Cable.	Moore.
Carson.	Patman.
Chitwood.	Perdue.
Coffee.	Pinkston.
Collins.	Pool.
Covey.	Pope.
Cowen.	Potter.
Crawford.	Price.
Culp.	Purl.
Davis.	Rountree.
Downs.	Russell of Trinity.
Duffey.	Sackett.
Dunlap.	Sanford.
Dunn.	Simpson.
Durham.	Smith.
Edwards.	Stevens.
Faubion.	Stewart
Frnka.	of Edwards.
Gipson.	Stewart of Jasper.
Green.	Stewart of Reeves.
Hardin of Erath.	Storey.
Hardin	Stroder.
of Kaufman.	Sweet.
Harris.	Thompson.
Henderson	Thrasher.
of Marion.	Turner.
Hendricks.	Wallace.
Jennings.	Wells.
Laird.	Westbrook.
Lamb.	Wilmans.

Nays—21.

Baker of Orange.	Howeth.
Beasley.	McDonald.
Bird.	Morgan
Carpenter	of Liberty.
of Matagorda.	Patterson.
Carter of Coke.	Quinn.
DeBerry.	Rice.
Dodd.	Satterwhite.
Driggers.	Shearer.
Fields.	Teer.
Greer.	Young.
Harrington.	

Absent.

Avis.	Kemble.
Carpenter	Lackey.
of Dallas.	LeStourgeon.
Carter of Hays.	Lewis.
Davenport.	Lusk.
Dielmann.	Morgan
Fugler.	of Robertson.
Henderson	Quaid.
of McLennan.	Robinson.
Houston.	Russell
Hughes.	of Callahan.
Hull.	Sparkman.
Irwin.	Vaughan.
Johnson.	Wessels.
Jones.	Williamson.

Absent—Excused.

Dinkle.	Rowland.
Finlay.	Shires.
Jacks.	Stell.
LeMaster.	Stiernberg.
McKean.	Strickland.
Pate.	Wilson.
Rogers.	Winfree.

The House, accordingly, at 5:05 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:

Roads, Bridges and Ferries—House bills Nos. 437, 361.

Insurance—House bill No. 178.

State Affairs—House bills Nos. 237, 338, 391.

Live Stock and Stock Raising—House bill No. 333.

Judiciary—House bills Nos. 476, 410, 445, 401, 442.

Constitutional Amendments — House joint resolutions Nos. 18, 19, 16.

Judicial Districts—House bills Nos. 423, 331, 468, 451.

Education—House bills Nos. 434, 371.

Common Carries—House bill No. 450.

Game and Fisheries—House bills Nos. 436, 433.

Labor—House bill No. 100.

Municipal and Private Corporations—House bills Nos. 184, 394.

The following committees have filed unfavorable reports on bills as follows:

Live Stock and Stock Raising—House bill No. 333.

Appropriations—House bill No. 256.

Judiciary—House bills Nos. 169, 410.
Criminal Jurisprudence—House bills Nos. 204, 268, 435.

Education—House bill No. 302.

Municipal and Private Corporations—House bills No. 158, 32, 157.

Revenue and Taxation—House bills Nos. 453, 152.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 9, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 185, A bill to be entitled "An Act to provide for the printing of all proclamations and legal notices, or other advertising matter, by the different institutions of the State, districts, counties and subdivisions thereof, and providing for maximum fees to be charged for said publications, and directing the manner of payment therefor, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 136, A bill to be entitled "An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the county of Marion, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 47, A bill to be entitled "An Act to amend Sections One (1) and Fifteen (15) of Chapter Eighty-one

(81) of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter Thirty-four (34) of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth (36th) Legislature, approved July 25, 1919, as amended by Chapter One Hundred Nineteen (119) of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh (37th) Legislature, approved March 31, 1921, extending the term of said commission to the last Saturday in June, 1923, and providing for the appointment of judges for said extended term; providing for the extension of the term of said commission from the last Saturday in June, 1923, until the last Saturday in June, 1925, for the appointment of judges for said extended term; providing for the qualifications thereof and fixing the same, and providing and fixing the salaries of the same and the manner of payment thereof, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 1, A bill to be entitled "An Act appropriating three million five hundred thousand dollars (\$3,500,000) out of the State Treasury to aid and promote all the public schools of this State for the scholastic year beginning September 1, 1922, and ending August 31, 1923, the same to be distributed as the available school fund is now distributed, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 70, A bill to be entitled "An Act to amend Article 2178, Chapter

24, Title 37, of the Revised Civil Statutes of Texas, making attorney's fees recoverable in certain cases, by adding thereto a provision making the attorney's fees recoverable in certain suits for loss or damage to express shipments, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 309, A bill to be entitled "An Act constituting Bexar county the Thirty-seventh, Forty-fifth, Fifty-seventh, Seventy-third, and Ninety-fourth Judicial Districts; providing for the present judges of the Thirty-seventh, Forty-fifth, Fifty-seventh, and Seventy-third Judicial Districts to continue to hold their offices for the respective terms for which they were elected; the appointment of a suitable person by the Governor as judge of the Ninety-fourth Judicial District to hold until the next general election; prescribing the jurisdiction of said courts and providing for the election of judges thereof, and for the district attorney of the Thirty-seventh Judicial District to be the district attorney of all of said courts; and providing the terms of said courts, and providing for the empaneling of grand juries in the Thirty-seventh, Forty-fifth, and Ninety-fourth Judicial Districts, and providing that the said grand juries shall return all bills of indictment to the court in which said grand jury was empaneled; and providing that said Thirty-seventh, Forty-fifth, and Ninety-fourth Judicial District courts shall give preference to the trial of criminal cases; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

TWENTY-FIFTH DAY.

(Saturday, February 10, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Satterwhite.

The roll was called and the following members were present: